



**UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

rw

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/067,795 04/28/98 DOVEK

M 3123-276

022442
SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

LM02/0808

EXAMINER

KORZUCH, W

ART UNIT

PAPER NUMBER

2754

DATE MAILED:

08/08/00

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/067,795

Applicant(s)
Dovek et al

Examiner
William Korzuch

Group Art Unit
2754



☒ Responsive to communication(s) filed on May 22, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-60 is/are pending in the application.

Of the above, claim(s) 20 and 38-41 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19, 21-37, and 42-60 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 13

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2754

Continued Prosecution Application

1. The request filed on May 22, 2000 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/067,795 is acceptable and a CPA has been established. An action on the CPA follows.

Election/Restriction

2. Claims 20 and 38-41 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 7, 10, 11, 13-15, 17-19, 21, 24-27, 29-34, 37, 42-50, 53, 55, 57, 58 and 60 are rejected under 35 U.S.C. 102(b) as being anticipated by Tanaka et al (U.S. Patent

Art Unit: 2754

5,486,967) for the reasons set forth in the Office action dated April 29, 1999.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-19, 21-37 and 42-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hesterman et al (U.S. Patent 5,434,733) in view of Hamilton (U.S. Patent 4,423,450).

With regard to claims 1-19, 21-37 and 42-60, Hesterman et al in view of Hamilton shows all the features except for the detector being a PR4 detector or a peak detector. Official Notice is taken that it is notoriously old and well known in the art to use a PR4 detector or a peak detector to detect a Lorentzian-shaped pulse. Applicant even admits that these detectors are old and well known on pages 22 and 23 of the specification. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

Art Unit: 2754

provide the magnetic recording system of Hesterman et al in view of Hamilton with either a PR4 or peak detector. The rationale is as follows: One of ordinary skill in the art at the time of the invention would have been motivated to provide the magnetic recording system of Hesterman et al in view of Hamilton with either a PR4 or peak detector so that the system can read the Lorentzian-shaped pulse that is produced from the head of Hesterman et al in view of Hamilton.

5. Claim 55 is rejected under 35 U.S.C. 103(a) as being unpatentable over Somers (U.S. Patent 5,097,371) in view of Hamilton (U.S. Patent 4,423,450) for the reasons set forth in the Office action dated April 26, 2000 and the reason set forth above in the immediately preceding paragraph.

Response to Amendment

6. Claims 20 and 38-41 are still drawn to additional details of the read circuitry, and are therefore withdrawn from further consideration by the Examiner, as being drawn to a non-elected invention.

7. Applicant's amendments to claims 1, 17 and 30 have not overcome the previous rejections since:

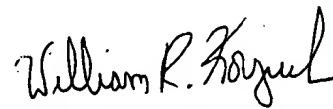
Art Unit: 2754

(1) Tanaka must inherently be able to detect the Lorentzian-shaped pulse produced from the head or the head would not work; and

(2) it would have been obvious to provide the recording systems of Hesterman et al in view of Hamilton, or Somers in view of Hamilton, with the claimed detectors for the reason given *supra*.

Conclusion

8. Any inquiry concerning this communication should be directed to William R. Korzuch at telephone number (703) 305-6137.


WILLIAM R. KORZUCH
PRIMARY EXAMINER

wrk
August 7, 2000